

To: Linda Michaelson(trademarksCC@sheppardmullin.com)
Subject: U.S. Trademark Application Serial No. 97594828 - TERMINAL B TELEVISION - 61BF-363986
Sent: June 30, 2023 08:02:27 PM EDT
Sent As: tmng.notices@uspto.gov

Attachments

[2136045](#)
[1818179](#)

United States Patent and Trademark Office (USPTO)
Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application Serial No. 97594828

Mark: TERMINAL B TELEVISION

Correspondence Address:

LINDA MICHAELSON
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
1901 AVENUE OF THE STARS, SUITE 1600
LOS ANGELES CA 90067
UNITED STATES

Applicant: Terminal B Television, LLC

Reference/Docket No. 61BF-363986

Correspondence Email Address: trademarksCC@sheppardmullin.com

NONFINAL OFFICE ACTION

Response deadline. File a response to this nonfinal Office action within three months of the “Issue date” below to avoid [abandonment](#) of the application. Review the Office action and respond using one of the links to the appropriate electronic forms in the “How to respond” section below.

Request an extension. For a fee, applicant may [request one three-month extension](#) of the response deadline prior to filing a response. The request must be filed within three months of the “Issue date” below. If the extension request is granted, the USPTO must receive applicant's response to this letter within six months of the “Issue date” to avoid abandonment of the application.

Issue date: June 30, 2023

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a),

2.65(a); TMEP §§711, 718.03.

- DISCLAIMER REQUIRED
- IDENTIFICATION OF SERVICES

SEARCH OF USPTO DATABASE OF MARKS

The trademark examining attorney has searched the USPTO database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). 15 U.S.C. §1052(d); TMEP §704.02.

1. DISCLAIMER REQUIRED

Applicant must disclaim the wording “TELEVISION” because it is merely descriptive of an ingredient, quality, characteristic, function, feature, purpose, or use of applicant’s goods and/or services. *See* 15 U.S.C. §§1052(e)(1), 1056(a); *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012); TMEP §§1213, 1213.03(a).

The wording merely describes applicant’s services because applicant is providing television programs and information thereon. The examining attorney has attached third-party registrations with the terms disclaimed on related goods and/or services. Third-party registrations featuring goods and/or services the same as or similar to applicant’s goods and/or services are probative evidence on the issue of descriptiveness where the relevant word or term is disclaimed, registered under Trademark Act Section 2(f) based on acquired distinctiveness, or registered on the Supplemental Register. *E.g.*, *In re Morinaga Nyugyo Kabushiki Kaisha*, 120 USPQ2d 1738, 1745 (TTAB 2016) (quoting *Inst. Nat’l des Appellations D’Origine v. Vintners Int’l Co.*, 958 F.2d 1574, 1581-82, 22 USPQ2d 1190, 1196 (Fed. Cir. 1992)); *In re Box Solutions Corp.*, 79 USPQ2d 1953, 1955 (TTAB 2006).

Applicant may respond to this issue by submitting a disclaimer in the following format:

No claim is made to the exclusive right to use “TELEVISION” apart from the mark as shown.

For an overview of disclaimers and instructions on how to provide one using the Trademark Electronic Application System (TEAS), see the [Disclaimer webpage](#).

A “disclaimer” is a statement in the application record that an applicant does not claim exclusive rights to an unregistrable component of the mark. *See Schwarzkopf v. John H. Breck, Inc.*, 340 F.2d 978, 979-80, 144 USPQ 433, 433 (C.C.P.A. 1965); TMEP §1213. A disclaimer does not physically remove the disclaimed matter from the mark or otherwise affect the appearance of the mark. *See Schwarzkopf v. John H. Breck, Inc.*, 340 F.2d at 979, 144 USPQ2d at 433; TMEP §1213.

If applicant does not provide the required disclaimer, the USPTO may refuse to register the entire mark. *See In re Stereotaxis Inc.*, 429 F.3d 1039, 1041, 77 USPQ2d 1087, 1089 (Fed. Cir. 2005); TMEP

§1213.01(b).

2. IDENTIFICATION OF SERVICES

The identification of services is indefinite and must be clarified because the nature of the services is unclear. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01. Applicant must amend the identification to specify the common commercial or generic name of the services. *See* TMEP §1402.01. If the services have no common commercial or generic name, applicant must describe or explain the nature of the services using clear and succinct language. *See id.*

Applicant may adopt the following wording, if accurate: "Entertainment services in the nature of development and production of television and film programs; Entertainment services, namely, provision of **online nondownloadable** multimedia entertainment content, namely, videos, films, and television programs **featuring {indicate subject matter, e.g., comedy, action, adventure, etc.}** distributed via various platforms across multiple forms of transmission media; **Entertainment services, namely, multimedia production services** ; Entertainment information services; Providing entertainment services via a global communication network in the nature of websites featuring a wide variety of general interest entertainment information relating to films, television programs, videos, film clips, photographs, and other multimedia materials." In Class 041.

Applicant's goods and/or services may be clarified or limited, but may not be expanded beyond those originally itemized in the application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Applicant may clarify or limit the identification by inserting qualifying language or deleting items to result in a more specific identification; however, applicant may not substitute different goods and/or services or add goods and/or services not found or encompassed by those in the original application or as acceptably amended. *See* TMEP §1402.06(a)-(b). The scope of the goods and/or services sets the outer limit for any changes to the identification and is generally determined by the ordinary meaning of the wording in the identification. TMEP §§1402.06(b), 1402.07(a)-(b). Any acceptable changes to the goods and/or services will further limit scope, and once goods and/or services are deleted, they are not permitted to be reinserted. TMEP §1402.07(e).

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable [*U.S. Acceptable Identification of Goods and Services Manual*](#). *See* TMEP §1402.04.

How to respond. File a [response form to this nonfinal Office action](#) or file a [request form for an extension of time to file a response](#).

/Matthew McDowell/
Matthew McDowell
Examining Attorney
Law Office 101
(571) 272-8263
Matthew.McDowell@USPTO.GOV

RESPONSE GUIDANCE

- **Missing the deadline for responding to this letter will cause the application to [abandon](#).** A response or extension request must be received by the USPTO before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Trademark Electronic Application System (TEAS) [system availability](#) could affect an applicant's ability to timely respond. For help resolving technical issues with TEAS, email TEAS@uspto.gov.
- **[Responses signed by an unauthorized party](#)** are not accepted and can **cause the application to [abandon](#)**. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with [legal authority to bind a juristic applicant](#). If applicant has an attorney, the response must be signed by the attorney.
- If needed, **find [contact information for the supervisor](#)** of the office or unit listed in the signature block.

(1) TYPED DRAWING

BLOOMBERG TELEVISION

Mark Punctuated

BLOOMBERG TELEVISION

Translation

Goods/Services

- IC 038. US 100 101 104.G & S: television broadcasting. FIRST USE: 19970601. FIRST USE IN COMMERCE: 19970601
- IC 041. US 100 101 107.G & S: entertainment services in the nature of producing and distributing programming distributed over broadcast, television, [radio,] cable, and direct satellite in the fields of news, business, finance, current events, entertainment, sports, human interest stories, securities and securities markets. FIRST USE: 19970601. FIRST USE IN COMMERCE: 19970601

Mark Drawing Code

(1) TYPED DRAWING

Design Code

Serial Number

75325414

Filing Date

19970716

Current Filing Basis

1A

Original Filing Basis

1A

Publication for Opposition Date

19971118

Registration Number

2136045

Date Registered

19980210

Owner

(REGISTRANT) Bloomberg L.P. composed of Bloomberg Inc., a New York corporation LIMITED PARTNERSHIP DELAWARE 731 Lexington Avenue New York NEW YORK 10022 (LAST LISTED OWNER) Bloomberg Finance One L.P. Bloomberg (GP) Finance LLC, a Delaware limited liability company, its general partner LIMITED PARTNERSHIP DELAWARE 731 Lexington Avenue New York NEW YORK 10022

Priority Date

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TELEVISION" APART FROM THE MARK AS SHOWN

Description of Mark

Type of Mark

SERVICE MARK

Register

PRINCIPAL-2(F)-IN PART

Live Dead Indicator

LIVE

Attorney of Record

Aimee Nassau Gardiner

Print: Fri Jun 30 2023

74241030

(1) TYPED DRAWING

MTV MUSIC TELEVISION

Mark Punctuated

MTV MUSIC TELEVISION

Translation

Goods/Services

- IC 038. US 104.G & S: cable television broadcasting services. FIRST USE: 19810413. FIRST USE IN COMMERCE: 19810413
- IC 041. US 107.G & S: education and entertainment services; namely, production of television programs; dance shows, music shows and video award shows; comedy shows, game shows and sports events before live audiences which are broadcast live or taped for later broadcast; live concerts; TV news shows; organizing talent contests and music and television award events; organizing and presenting displays of entertainment memorabilia and products relating to style and fashion. FIRST USE: 19810413. FIRST USE IN COMMERCE: 19810413

Mark Drawing Code

(1) TYPED DRAWING

Design Code

Serial Number

74241030

Filing Date

19920128

Current Filing Basis

1A

Original Filing Basis

1A

Publication for Opposition Date

19931102

Registration Number

1818179

Date Registered

19940125

Owner

(REGISTRANT) Viacom International Inc. CORPORATION DELAWARE 1515 Broadway New York NEW YORK 10036 (LAST LISTED OWNER) VIACOM INTERNATIONAL INC. CORPORATION DELAWARE 1515 BROADWAY NEW YORK NEW YORK 10036

Priority Date

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TELEVISION" APART FROM THE MARK AS SHOWN

Description of Mark

Type of Mark

SERVICE MARK

Register

PRINCIPAL-2(F)

Live Dead Indicator

LIVE

Attorney of Record

Joseph Molko

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on June 30, 2023 for
U.S. Trademark Application Serial No. 97594828

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action to avoid your application abandoning. Follow the steps below.

- (1) **[Read the Office action](#)**. This email is NOT the Office action.
- (2) **Respond to the Office action by the deadline** using the Trademark Electronic Application System (TEAS). Your response, or extension request, must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Otherwise, your application will be [abandoned](#). See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO [website](#), the application process, the status of your application, and whether there are outstanding deadlines to the [Trademark Assistance Center \(TAC\)](#).

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

GENERAL GUIDANCE

- **[Check the status](#) of your application periodically** in the [Trademark Status & Document Retrieval \(TSDR\)](#) database to avoid missing critical deadlines.
- **[Update your correspondence email address](#)** to ensure you receive important USPTO notices about your application.
- **[Beware of trademark-related scams](#)**. Protect yourself from people and companies that may try to take financial advantage of you. Private companies may call you and pretend to be the USPTO or may send you communications that resemble official USPTO documents to trick you. We will never request your credit card number or social security number over the phone. Verify the correspondence originated from us by using your serial number in our database, [TSDR](#), to confirm that it appears under the “Documents” tab, or contact the [Trademark Assistance Center](#).
- **[Hiring a U.S.-licensed attorney](#)**. If you do not have an attorney and are not required to

have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The USPTO examining attorney is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.